
DIGEST

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Murray

SB No. 70

Present law defines "small succession" as the succession or the ancillary succession of a person who has died at any time, leaving property in Louisiana having a gross value of \$75,000 or less valued as of the date of death.

Proposed law defines "small succession" as the succession or the ancillary succession of a person who at any time has died leaving property in Louisiana having a gross value of \$75,000 or less valued as of the date of death or, if the date of death occurred at least twenty-five years prior to the date of filing of a small succession affidavit, leaving property in Louisiana of any value.

Present law provides circumstances under which it is not necessary to open judicially the small succession of a person domiciled in Louisiana who died intestate, or domiciled outside of Louisiana whose testament has been probated by court order of another state. Proposed law includes persons domiciled outside of Louisiana who died intestate.

Present law provides certain procedures, management, and effects for immovable property, subject to a small succession proceeding, that is damaged by a disaster or catastrophe for which a declaration of emergency or federal declaration of disaster or emergency was issued. Also provides that such present law shall expire on Jan. 1, 2013. Proposed law repeals termination date.

Present law provides procedures for when it is not necessary under the provisions of Article 3431 to open judicially a small succession and provides for the attachments and contents of the affidavit, which includes an attachment consisting of certified copies of the testament and the probate order of another state, if the affidavit is being used in lieu of an ancillary probate proceeding.

Proposed law deletes the requirement to include an attachment consisting of certified copies of the testament and the probate order of another state, if the affidavit is being used in lieu of an ancillary probate proceeding.

Proposed law provides for the procedures and content for filing an affidavit for a small succession for a person who is domiciled outside of Louisiana and who died testate.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends C.C.P. Arts. 3421, 3431(A)(intro. para.) and 3432(A)(8) and (9); Adds C.C.P. Art. 3432.1; Repeals C.C.P. Art. 3422.1(G) and 3432(A)(10))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Added provisions relative to the filing of an affidavit for a small succession which amended present law C.C.P. Art. 3432 to apply to intestate small successions and added C.C.P. Art. 3432.1 to apply to small successions for persons domiciled outside of this state and who died testate.